

Entered - 4-17-01 - sb  
CL 01L0234 - GWENDOLYN BURNS

CLAIM OF: KATHERINE CLARKE  
463 Blake Avenue, SE  
Atlanta, Georgia 30316

01- R -1399

For property damages alleged to have been sustained as a result of a  
sanitary sewer back up on October 20, 2000 at 463 Blake Avenue, SE.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the  
action of the Department of Law be approved in authorizing payment  
to KATHERINE CLARK the sum of \$1,000.00 in full settlement and  
satisfaction of all claims, past, present and future, of every kind and  
character for property damages alleged to have been sustained as a  
result of a sanitary sewer back up on October 20, 2000 at 463 Blake  
Avenue, SE as is more particularly set forth in the within claim; said  
sum taken from and charged to account 2J01/529017/T31001,  
Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

C-17

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0234

Date: August 26, 2001

Claimant /Victim KATHERINE CLARKE  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 463 Blake Avenue, SE, Atlanta, Georgia 30316  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 2,500.00 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 4/16/01 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 \_\_\_\_\_ X Ante Litem (6 Mo.) \_\_\_\_\_ X  
Date of Occurrence 10/20/00 Place: 463 Blake Avenue, SE  
Department PUBLIC WORKS Division Sewer Operations  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant alleges that she sustained damages to her residence from a sanitary sewer back up. An investigation determined that the City was on notice of said sewer problem at this location, but failed to correct it. (See Claim # 98L0016)

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

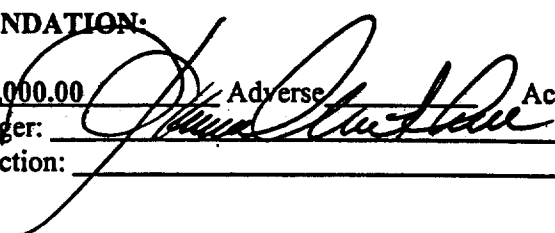
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement X  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 1,000.00 Adverse \_\_\_\_\_ Account charged: 1A01 \_\_\_\_\_ 2J01 X 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 08-30-01  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 10-20-00

Dear Municipal Clerk:

ENTERED - 4-17-01 - SB  
0110234 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2500.00 property and/or \$ bodily injury for which I contend the City is liable.

1. Date of incident: 10-20-00 (month/day/year) 2. Time of Incident: Morning 3. Police called: Yes No  
4. Location of incident (including street address): 463 Blake Ave. S.E. Atlanta, Ga. 30316  
5. Name of your insurance company: Policy No.  
6. State what and how incident occurred: It was a bad Rain

- Lost 4 pairs Gym shoes 2 pairs boots, 4 pair Julius shoes 2 pair work shoes, 3 pair sandals, 5 pair dress shoes  
Lose a clothes 2 leather coat xmas.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: (Make) (Year) (Tag Number) (Driver's Name)

City vehicle: (Make) (City Driver's Name) (Department/Bureau)

9. Witness: (Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

Katherine Clarke  
(Print Claimant's Name)

463 Blake ave S.E.  
(Address)

Atlanta Ga 30316  
(City, State and Zip Code)

404-659-7972  
(Work Number) (Home Number)

**GENERAL RELEASE AND INDEMNIFICATION**

CLAIM NUMBER 01L0234

\$ 1,000.00

IN CONSIDERATION of the sum of ONE THOUSAND DOLLARS AND 00/100s DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly for or on account of a property damage incident - sewer back up which occurred on or about the 20th day of October, 2000, at or near 463 Blake Avenue, SE

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this 20<sup>th</sup> day of August, 20 01.

Katherine Clarke (LS)  
Katherine Clarke  
\_\_\_\_\_  
(LS)

The above release was read and explained to, and signed by the said Katherine Clarke in our presence on the date above written.

Shirley B  
\_\_\_\_\_  
WITNESSES